

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

ISAIS YBARRA, JR., PRO SE,
also known as ISAIAS YBARRA, JR.,
TDCJ-CID No. 824392,

Plaintiff,

V.

DAVID RYAN BASSE ET AL.,

Defendants.

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2:11-CV-0171

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS and ORDER OF DISMISSAL**

Plaintiff ISAIS YBARRA, JR., acting pro se and while a prisoner incarcerated in the Texas Department of Criminal Justice, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, section 1983 complaining against seven defendants employed by or otherwise associated with the Texas Department of Criminal Justice and has been granted permission to proceed pursuant to Title 28, United States Code, section 1915.

On September 25, 2013, a Report and Recommendation was issued by the United States Magistrate Judge recommending defendants' August 21, 2013 Motion to Dismiss be granted and the instant cause be dismissed for failure to state a claim on which relief can be granted.

The period for response has expired, and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that defendants' Motion to Dismiss is GRANTED and that plaintiff's Civil Rights Complaint is DISMISSED FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

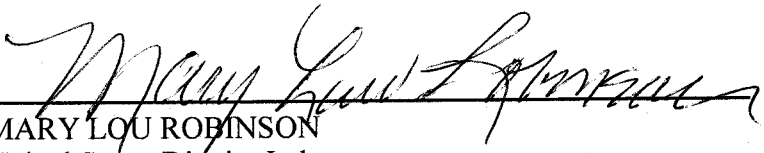
LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the 16th day of October, 2013.


MARY LOU ROBINSON
United States District Judge